APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,337	12/29/2000	Michael E. Carroll	LOT9-2000-0032	8657

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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 March 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *2-6,9-12 and 15-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *2-6, 9-12, 15-18* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2-4, 9-10, and 15-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Liu et al ("Liu", USP 5706449) and Ozer et al ("Ozer", USP 4839640).

Regarding claims 2, 9, and 15, Liu teaches, in a system having a user interface

(abstract) capable of displaying a plurality of data items (Fig. 14) and receiving user

commands (Fig. 15a-15d)), a method comprising receiving, through the user interface, a

command to swap ("Swap" in pop-up menu 64) a first displayed data item ("Network"

column) with a second displayed data item ("Node" column); obtaining data identifying

the first displayed data item (column whose heading was clicked) and the second

displayed data item (desired column in the list control 46); and swapping the first

displayed data item with the second displayed data item (col 7, lines 10-17). Liu further

teaches that a column can be hidden or shown (col 6, lines 57-63). Liu does not teach a

directional command identifying a relative direction of a position of the second displayed

data item to a position of the first displayed data item. However, the entering a

directional command through the user interface is well known in the art as taught by

Ozer et al. Ozer teaches an access control system which comprises the use of arrow

(directional) keys to enter command (col 17, lines 1-8). It would have been obvious to

one of ordinary skill in the art, having the teaching of Liu and Ozer before him at the

time the invention was made, to modify the interface method taught by Liu to include the

entering directional commands by using arrow keys taught by Ozer the motivation being

to enable the system to perform swap operation between a shown column and a hidden

column.

Regarding claim 3, Ozer teaches the directional commands (col 17, lines 10-17).

Regarding claims 4, 10, and 16, Liu teaches that the first displayed data item and

the second displayed data item have similar respective data types (alphanumeric).

3.   Claims 5-6, 11-12, and 17-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Liu and Ramanathan et al ("Ramanathan", USP 5767850).

Regarding claims 5-6, 11-12, and 17-18, Liu teaches, in a system having a user

interface (abstract) capable of displaying a plurality of data items (Fig. 14) and receiving

user commands (Fig. 15a-15d)), a method comprising receiving, through the user

interface, a command to swap ("Swap" in pop-up menu 64) a first displayed data item

("Network" column) with a second displayed data item ("Node" column); obtaining data

identifying the first displayed data item (column whose heading was clicked) and the

second displayed data item (desired column in the list control 46); and swapping the

first displayed data item with the second displayed data item (col 7, lines 10-17). Liu

does not teach the defining relative position of displayed data item to an icon. However,

such feature is well known in the art as taught by Ramanathan. Ramanathan teaches a

relocatable menu icon system which teaches the determining relative position between

a menu icon and a title bar (col 7, lines 13-17). It would have been obvious to one of

ordinary skill in the art, having the teaching of Liu and Ramanathan before him at the

time the invention was made, to modify the interface method taught by Liu to include the

determining relative position between a menu icon and a displayed item title bar taught

by Ramanathan with the motivation being to enable the user to quickly and conveniently

locate the displayed data items.

4.   Applicant's arguments filed 03/04/04 have been fully considered but they are not

persuasive.

Applicant's arguments regarding claims 2-4, 9-10, and 15-16 are not persuasive.

As presented above, Liu teaches the swapping the first display data item

("Network" column) and the second display data item ("Node" column). Liu further

teaches that a column can be hidden or shown (col 6, lines 57-63). List control 46 (Fig.

14) shows the headings of the shown columns and relative direction of the position of

one heading to the position of another heading. For example, look at list control 46 in

Fig. 14, one can tell that Node column is on the right direction of Network column. When

a user desires to swap two shown columns, the user clicks on the heading of the first

column (col 6, lines 51-54; chooses "Swap" command (col 7, lines 11-12), then selects

the second column (col 7, lines 12-17). When the user needs to perform swap operation

between a shown column and a hidden column, the user is motivated to have

commands showing the relative direction of the shown column to hidden column.

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teaching of Liu and Ozer before him at the time the invention was made, to modify the

interface method taught by Liu to include the entering directional commands by using

arrow keys taught by Ozer with the motivation being to enable the system to perform

swap operation between a shown column and a hidden column.

Liu teaches a relative position between two items. Liu does not teach directional

command, Ozer is cited to cure this deficiency. Therefore, the argument that Ozer does

not disclose "a directional command....first displayed data item" attack references

individually, therefore, it is not persuasive.

In response to Applicant's argument that "it is not clear how the teaching of Liu

and Ozer would be combined", it is noted that both Liu's system and Ozer's system

involved the use of keyboard to control the display in computer system (Liu, col 4, lines

57-59) (Ozer, col 17, lines 1-8), therefore, both systems are in the same field of

endeavor.

Applicant's arguments regarding claims 5-6, 11-12, and 17-18 are not

persuasive.

As presented above, Liu teaches swapping two display data items (two columns).

Therefore, the argument that Examiner has not shown where either Liu or Ramanathan

disclose "swapping the first displayed data item with the second displayed data item" is

not correct. Liu does not teach the defining relative position of a displayed data item to

an icon. Ramanathan is cited to cure this deficiency in Liu teaching as cited above.

Therefore, the argument that Examiner has not shown where either Liu or Ramanathan

disclose "receiving data defining a position of a selection icon relative to the first

displayed data item" is not correct.

The argument "The menu icon 210 of Fig. 2 of Ramanathan is not a selection icon" is not correct. Text of col 2, lines 33-34 teaches "A menu associated with the first application is provided if the menu icon is selected". Therefore, it is clear that the menu icon is a selection icon.

In response to Applicant's argument that Ramanathan's menu icon is not a selector of a data item involved in a swamp operation, it is noted that this argument attacks references individually. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the Liu and Ramanathan references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art, having the teaching of Liu and Ramanathan before him at the time the invention was made, to modify the interface method taught by Liu to include the determining relative position between a menu icon

and a displayed item title bar taught by Ramanathan with the motivation being to enable the user to quickly and conveniently locate the displayed data items.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

and / or:

(703)-746-5639   (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

06/10/04

BA-HUYNH

PRIMARY EXAMINER